

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MICHAEL LEWIS WARDLOW,)
)
)
Plaintiff,)
)
)
v.) 1:22-CV-416
)
)
OFFICER REYES, et al.,)
)
)
)
Defendants.)

ORDER

The defendant Officer Reyes filed a motion for summary judgment, Doc. 37, and the United States Magistrate Judge recommended that it be granted. The plaintiff has not filed any objections.

After consideration of the record, the Court hereby adopts the Magistrate Judge's Recommendation to dismiss the claims against Officer Reyes. The case will proceed on other claims asserted in the amended complaint, Doc. 54, as limited by the Magistrate Judge's May 1, 2024, Order: individual capacity fourth-amendment excessive force, assault and battery, and intentional infliction of emotional distress claims against Officers Coppola, Faw, Hollifield, Vanburen, and Walker.

In his May 1 Order, the Magistrate Judge ordered the plaintiff to promptly submit properly completed summonses to the Clerk. Doc. 52 at 57. The plaintiff has not yet done so, despite the passage of several weeks. The plaintiff is reminded of this obligation and of his more general obligation to promptly take all necessary steps to accomplish proper service of process on these newly added defendants within 90 days of the filing of

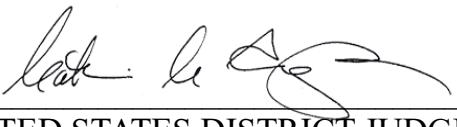
the amended complaint on May 2, 2024. *See* Fed. R. Civ. P. 4(m). The Court will therefore establish a firm deadline. Failure to submit summons forms to the Clerk by July 22, 2024, can result in dismissal of the claims against these newly added defendants for failure to comply with a court order, without further notice. Failure to obtain valid service within 90 days of the filing of the amended complaint can result in dismissal of these claims without further notice pursuant to Rule 4(m), in the absence of a showing of good cause.

It is **ORDERED** that:

1. The defendant Reyes' motion for summary judgment, Doc. 37, is **GRANTED** and all claims against defendant Reyes are **DISMISSED**.
2. The case will proceed on other claims asserted in the amended complaint, Doc. 54, as limited by the Magistrate Judge's May 1, 2024, Order: individual capacity fourth-amendment excessive force, assault and battery, and intentional infliction of emotional distress claims against Officers Coppola, Faw, Hollifield, Vanburen, and Walker.
3. The plaintiff **SHALL** submit properly completed summons forms for each new defendant to the Clerk no later than July 22, 2024. The plaintiff is **WARNED** that if he does not submit summons forms to the Clerk by August 1, 2024, for any of these new defendants and if he does not show good cause for such failure or otherwise seek an extension of time, the claims against any such defendants may be dismissed without further notice.

4. The plaintiff is further **WARNED** that if he fails to obtain service on any new defendant within the time required by Rule 4(m) and if he does not show good cause for such failure or otherwise seek an extension of time, the claims against such unserved defendants may be dismissed without further notice.

This the 26th day of June, 2024.



UNITED STATES DISTRICT JUDGE